

PETITION OF APPEAL

TO: STATE POLICE COMMISSION
7979 INDEPENDENCE BLVD
2nd FLOOR STATE POLICE COMMISSION
BATON ROUGE, LOUISIANA 70804-9111

BY: TROOPER BURNELL L. DEDEAUX


The Petition of Appeal, through undersigned counsel, of Burnell L. Dedeaux, with respect, represents:

1.

Appellant was employed by the State of Louisiana Department of Public Safety and Corrections, Public Safety Services. He serves with permanent status in the classification of Trooper.

2.

Appellant files this appeal pursuant to Chapter 13 of the State Police Civil Service Rules.

3.

By letter dated January 29, 2018, Appellant was given a 40 hour suspension. A copy of the letter of suspension is attached hereto as Exhibit "A".

4.

Appellant denies the allegations as written in the letter of suspension. Appellant avers that the disciplinary action imposed is unwarranted and excessive.

5.

Appellant avers that the letter of discipline fails to contain the detail and specificity required by Chapter 12 of State Police Civil Service Rules.

6.

Appellant avers that the penalty meted is too severe.

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7.

The disciplinary action is untimely. The investigation period exceeded the time limits imposed by Rule.

RELIEF REQUESTED:

- 1) Rescission of the disciplinary action;
- 2) Alternatively, reduction of the penalty imposed;
- 3) Expungement of appellant's personnel record; and
- 4) Reasonable attorney fees.

WHEREFORE, Burnell L. Dedeaux prays that this Petition of Appeal be deemed good and sufficient and after all legal delays and due proceedings are had, that the relief requested hereinabove be granted.

Appellant further prays for all general and equitable relief.

Respectfully submitted:

AVANT & FALCON

BY: 

Floyd J. Falcon, Jr., #5424
429 Government Street
Post Office Box 2667
Baton Rouge, Louisiana 70821
Telephone: (225) 387-4462

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LAW OFFICES
AVANT & FALCON
P.O. BOX 2667
BATON ROUGE, LA 70821
TELEPHONE (225) 387-4462



JOHN BEL EDWARDS
GOVERNOR

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State Police Commission

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
January 29, 2018
OLA/AA/18-20735
HQ-1-089

SENIOR TROOPER BURNELL DEDEAUX
TROOP C

IA# 17-025, OLA# 055330
VIA PERSONAL DELIVERY

RE: FORTY (40) HOUR SUSPENSION

Dear Senior Trooper Dedeaux:

Your response to my intended suspension letter has been received by me. After due consideration, I find that the suspension is warranted.

Pursuant to the authority granted by State Police Commission Rules 12.1 and 12.2, you are hereby temporarily suspended from duty for 40 hours without pay and allowances. Your suspension will begin at 1400 hours on Thursday, March 20, 2018, and will end at 1800 hours on Sunday, March 25, 2018. You shall report back to your assigned duty station at 1800 hours on Wednesday, March 28, 2018. You are being suspended for the following reasons:

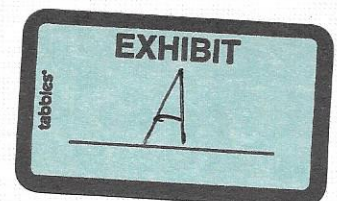
Internal Affairs received a criminal investigative report from the Thibodaux Police Department in which your former girlfriend, Ms. Tarkisha Lewis, alleged you were stalking and harassing her. Although the criminal complaint against you was withdrawn, an administrative investigation revealed that you violated multiple Louisiana State Police Policies and Procedures.

On September 26, 2017¹, you were interviewed by Internal Affairs investigators Sgt. Robert Grimes and Master Trooper Kevin Ducote. During your interview, you admitted that while on duty you have gone to Ms. Lewis' house and that you typically stayed there for an hour and a half, but also admitted that sometimes you would stay longer. You admitted that while you were at Ms. Lewis' house on duty, you would watch TV and that you have also taken naps there. You admitted that you did not notify your supervisors when you took naps at Ms. Lewis' house.

¹ This interview was recorded. A copy of your interview is maintained by Internal Affairs and is available for your review upon your request.

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DPSSP 4117



Your timesheet² for the pay period covering January 27, 2015, reflects that on that date you were on duty from 1800-0600 hours. Two photographs³ timestamped 7:31 p.m. (1931 hours) depict you sitting in a chair partially dressed in your Class A uniform pants, a white tee shirt and your ballistic vest, with your uniform shirt draped over a kitchen table chair where you were seated, with your boots lying on the kitchen floor near you and your portable radio is on the table near you. One of these two photographs also depicts that you were not wearing your duty belt. In your interview, you indicated that you were in Lewis' house in this photograph. Your last radio transmission prior to this photograph being taken was at 1826 hours (6:26 p.m.) when you went "10-8"⁴ after conducting a traffic stop.⁵ Your first radio transmission after this photograph was taken was at 2104 hours (9:04 p.m.) when you went "10-10"⁶ and indicated you were eating at Sante Fe in Thibodaux.

Your timesheet for the pay period covering May 8, 2015, reflects that on that date you were on duty from 0600-1800 hours. A photograph timestamped 5:10 p.m. (1710 hours) depicts you lying across a bed asleep in your Class A uniform, without your duty belt. Your last radio transmission prior to this photograph being taken was at 1535 hours when you went "10-8" from a traffic stop you conducted. Your first radio transmission after this photograph was taken was at 1800 hours when you went "10-7".⁷

Your timesheet for the pay period covering July 5, 2015, reflects that on that date you were on duty from 0600-1800 hours, which included four hours of overtime from 1400 -1800 hours. A photograph timestamped 4:35 p.m. (1635 hours) depicts you seated partially dressed in your Class A uniform while seated near Ms. Lewis' mother. You are depicted only wearing your uniform pants, boots, and a white tee shirt. You were not wearing your uniform shirt, ballistic vest, gun belt, or radio. In your interview, you confirmed that you were on Ms. Lewis' patio in this picture and admitted that you were not ready for duty the way in which you were dressed. According to radio dispatch logs, your last radio traffic prior to this photograph being taken was at 1326 hours (1:26 p.m.) when you were "10-6", "10-8",⁸ and your first radio traffic after this photograph was taken was at 1800 hours (6:00 p.m.) when you went "10-7".

Your timesheet for the pay period covering August 24, 2015 reflects that on that date you were on duty from 0600-1800 hours. A photograph timestamped 5:24 p.m. (1724 hours) depicts

² All timesheets referenced in this intended suspension letter are maintained by Internal Affairs and are available for your review upon your request.

³ All photographs referenced in this intended suspension letter are maintained by Internal Affairs and are available for your review upon your request.

⁴ "In-service."

⁵ All radio logs referenced in this intended suspension letter are maintained by Internal Affairs and are available for your review upon your request.

⁶ "Out eating."

⁷ "Out-of-service."

⁸ "Not available for traffic."

⁹ "At the Troop."

you asleep on Ms. Lewis' floor, lying near her daughter. You are wearing your Class A uniform and your portable radio is positioned on a table near you. Your last radio traffic prior to this photograph being taken was at 1608 hours (4:08 p.m.) when you went "CODE 4¹⁰" at LA 70 at the Gator Corner. Your first radio transmission after this photograph was taken was at 1809 hours (6:09 p.m.) when you went "10-7."

By your own admissions and as reflected in the above described photographs, you have not been in uniform and awake and alert, prepared to perform your duties during your assigned duty hours on January 27, 2015, May 8, 2015, July 5, 2015, and August 24, 2015. Your actions violated LSP Policy and Procedure Order 901-11, Neglect of Duty, which provides:

- i) A commissioned officer shall not, without proper authorization, absent himself from his assigned duty station or otherwise fail to perform his duty during his tour-of-duty.
- ii) Officers shall remain awake and alert while on-duty or if unable to do so, shall report to his superior officer, who shall determine the proper course of action.

During the course of the administrative investigation, an "off-line search" was performed by Ms. Shelley Scott of the Louisiana State Police NLETS/Access Unit. The "off-line search" revealed you ran five separate search inquiries on Ms. Lewis and accessed her driver's license and/or vehicle records for non-law enforcement purposes.

Your timesheet for the pay period covering August 30, 2014, reflects that on that date you were on duty from 1800-0600 hours. The "off-line" search revealed you ran a search inquiry on Ms. Lewis' license plate at 2151 hours (9:51 p.m.). In your interview, you admitted that you did not have a legitimate law enforcement purpose for running this inquiry and that you probably ran it to see if the vehicle belonged to Ms. Lewis. You further admitted that you would conduct an inquiry when you would observe a black Camaro, which was the type of vehicle driven by Ms. Lewis, to see if it was hers.

Your timesheet for the pay period covering September 14, 2014, reflects that on that date you were on duty from 0600-1800 hours. The "off-line search" revealed you ran a search inquiry on Ms. Lewis' driver's license at 0901 hours (9:01 a.m.). In your interview, you admitted you did not have a valid law enforcement purpose for conducting this inquiry.

Your timesheet for the pay period covering May 4, 2015, reflects that on that date you were on duty from 0600-1800 hours. The "off-line search" revealed that you ran a search inquiry on Ms. Lewis' name, date of birth, race and gender at 1831 hours (6:31 p.m.), approximately half an hour after you went "10-7." In your interview, you admitted you did not have a valid law enforcement

¹⁰ "Everything is fine at the moment."

Trooper Dedeaux
January 29, 2018
Page 4

purpose for conducting this inquiry. You stated you were probably parked in Ms. Lewis' driveway when you conducted the search inquiry.

Your timesheet for the pay period covering August 17, 2015, reflects that on that date you worked an overtime detail (Occupant Protection) from 1400-2000 hours. The "off-line search" revealed that you ran a search inquiry on Ms. Lewis' license plate at 1808 hours (6:08 p.m.). In your interview, you admitted that you were probably standing on the corner of LA 1 and Jackson working a seat belt detail, and that Ms. Lewis drove past and you conducted a search inquiry to see if it was her checking up on you.

Your timesheet for the pay period covering March 3, 2016, reflects that on that date you were on duty from 0600-1800 hours and that you worked an overtime detail (Occupant Protection) from 1800-2100 hours. The "off-line search" revealed that you ran a search inquiry on Ms. Lewis' license plate at 1856 hours (6:56 p.m.), approximately five minutes after you went "10-8" clearing a traffic stop. During your interview, you admitted that you conducted the search on March 3, 2016, to make sure you did not miss Ms. Lewis' birthday.

You also admitted that on one occasion you ran Ms. Lewis' driver's license record and subsequently informed her she had a "flag" on her license.

Troop C's desk and dispatch logs do not reflect that you conducted the above referenced searches for work related purposes. Furthermore, you admitted to using your MDT to perform search inquiries pertaining to Ms. Lewis' driver's license record, her license plate, her name, date of birth, gender, and race, for non-departmental purposes. By utilizing the Department's computer systems/databases to access Ms. Lewis' personal information restricted to criminal justice purposes, for non-work related reasons as outlined above, you violated the Department of Public Safety Information Technology Security Policy, Policy Statement/Summary of Main Security Policies, User Responsibilities, which states in pertinent part;

- 1.A.1 All data obtained through the Department of Public Safety's computer system shall only be used or disclosed by authorized personnel for official purposes. Disclosure of this data to any unauthorized personnel, or for unofficial purposes, is prohibited. Every measure should be taken to maintain the security of any data obtained from the Department's computer system. In many instances, Department of Public Safety's data is confidential, and disclosure of this data to any unauthorized person is illegal. Any disclosure of personal information to unauthorized personnel shall constitute a security breach and according to Louisiana ACT 499, a notification shall be immediately sent to all persons whose information was illegally obtained.

...

Trooper Dedeaux
January 29, 2018
Page 5

- 1.A.5 Data accessed through Departmental automated systems must only be used to carry out the official duties of the employee. The employee must insure that all legal and ethical protection is accorded the data with which they are entrusted in the conduct of their duties. The employee must respect the privacy of the data.

Your actions also violated Louisiana State Police Policy and Procedure Order 1109 - MDT, MVR, Internet/Intranet, Section I.1 - Mobile Data Terminals, which states in pertinent part:

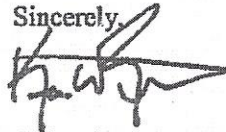
...

- i) Information Access
 - a) All inquiries made using a mobile data terminal are subject to NCIC, state, and Department guidelines.

Any future violations of this or any nature may result in more severe discipline, up to and including termination.

You have the right to appeal this action to the Louisiana State Police Commission. The time limits and procedure for appealing are contained in Chapter 13 of the State Police Commission Rules. A copy of Chapter 13 can be obtained from the State Police Commission. Their current mailing address is P.O. Box 66555, Baton Rouge, LA 70896-6555. Their current telephone number is (225) 925-7057 and their fax number is (225) 925-7058.

Sincerely,



Colonel Kevin Reeves
Superintendent, Louisiana State Police

c: Lt. Col. Mike Noel
Lt. Col. David Staton
Major Becket Breaux
Captain Frank Besson
Internal Affairs
Office of Legal Affairs
Human Resources



State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
Executive Director

March 1, 2018

Burnell L. Dedeaux



Re: Appeal of Burnell L. Dedeaux (Department of Public Safety and Corrections,
Office of State Police) Docket No. 18-238-S

NOTICE OF DOCKETING

This appeal referenced above was filed in this office on February 28, 2018 by the office of Floyd J. Falcon, Jr. via fax delivery. The fact that this appeal was docketed does not constitute an opinion as to the sufficiency or validity of the appeal and does not prevent its dismissal under State Police Commission Rule 13.5.

Sincerely,

Jason Hannaman
Executive Director

cc: Colonel Kevin Reeves
M. Lenore Feeney
Floyd J. Falcon, Jr.
Office of Legal Affairs
Internal Affairs

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State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
Executive Director

April 18, 2018

NOTICE OF HEARING

LOUISIANA STATE POLICE COMMISSION

**Veteran's Memorial Auditorium, Suite 1247
Dept. of Agriculture & Forestry Bldg.
5825 Florida Blvd.
Baton Rouge, Louisiana 70806**

THURSDAY, SEPTEMBER 13, 2018

9:00 a.m. Public hearing of the Appeal of Trooper Burnell L. Dedeaux
(Department of Public Safety and Corrections, Office of State Police),
Docket No. 18-238-S. Floyd J. Falcon, Jr. represents the employee and
Michele Giroir is representing the Office of State Police.

cc: Trooper Burnell L. Dedeaux
Floyd J. Falcon, Jr.
Michele Giroir
M. Lenore Feeney

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BURNELL L. DEDEAUX

DOCKET NUMBER: 18-238-S

VERSUS

LOUISIANA STATE POLICE COMMISSION

DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, OFFICE STATE POLICE

MOTION TO DISMISS

Now before the Commission, comes the undersigned, Floyd J. Falcon, Jr., who moves to withdraw as Attorney of Record for Burnell L. Dedeaux.

1.

Mr. Dedeaux contacted the undersigned at the last minute requesting that I file an Appeal before his time expired. We did so that day to meet the deadline.

2.

Due to the time issue, the Appeal was filed without having received the retainer from Mr. Dedeaux.

3.

Months have gone by since we filed the appeal and we still have not received the retainer.

4.

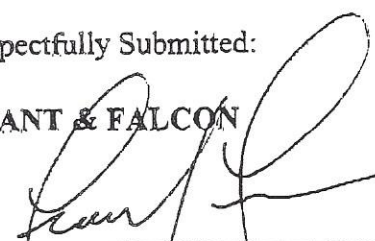
Accordingly, we wish to withdraw.

WHEREFORE, Floyd J. Falcon, Jr. of Avant & Falcon prays that he be allowed to withdraw as Attorney of Record for Burnell L. Dedeaux in the captioned matter.

Respectfully Submitted:

AVANT & FALCON

By:


FLOYD J. FALCON, JR.
429 Government Street
Post Office Box 2667
Baton Rouge, Louisiana 70821
Telephone: (225) 387-4462
Bar Roll Number: 5424

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ORDER

Considering the above and foregoing, it is ordered that Floyd J. Falcon, Jr.'s request to withdraw as Attorney of Record for Burnell L. Dedeaux is granted.

Signed at Baton Rouge, Louisiana this ____ day of August, 2018.

STATE POLICE COMMISSION

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been mailed in the U.S. Mail, postage prepaid, properly addressed to Michelle Giroir at P.O. Box 66614, Baton Rouge, Louisiana 70896, Lenore Feeney at Post Office Box 2471, Baton Rouge, Louisiana 70821 and Burnell Dedeaux at 9518 Windward Road, Baton Rouge, Louisiana 70810, this ____ day of August, 2018.


FLOYD J. FALCON, JR.

Debbie Givens

From: Burnell Dedeaux
Sent: Wednesday, August 29, 2018 4:08 PM
To: Debbie Givens
Subject: RE: Appeal Filed 02/28/2018

I am withdrawing my appeal. Thanks for you time in this matter.

From: Debbie Givens
Sent: Monday, August 27, 2018 12:45 PM
To: Burnell Dedeaux
Subject: Appeal Filed 02/28/2018

Mr. Dedeaux

Please give State Police Commission a call @ 225-925-4996 in reference to the Appeal Filed 02/28/2018.

Thank you



*Debbie Givens
Post Office Box 66555
Baton Rouge, La. 70896
Program Manager
(225)925-4996*

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AUG 29 2018

State Police Commission